

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JAMES HANCOCK, MD,

Plaintiff,

v.

QSC ADMIN LLC,

Defendant.

§
§
§
§
§
§
§
§

Civil Action No. 4:25-CV-00543-O

**PLAINTIFF’S MOTION
FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE
AND BRIEF IN SUPPORT THEREOF**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) Plaintiff James Hancock, MD (“Dr. Hancock” or “Plaintiff”) files this Motion for Voluntary Dismissal Without Prejudice to refiling. The Complaint was filed on May 22, 2025. (ECF No. 1). As a general rule, the district court should freely grant a motion for voluntary dismissal without prejudice under Rule 41(a)(2) where the non-moving party will not suffer legal prejudice. *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5th Cir. 2002) (“[A]s a general rule, motions for voluntary dismissal should be freely granted unless the non-moving party will suffer some plain legal prejudice other than the mere prospect of a second lawsuit.”).

Here, voluntary dismissal without prejudice of this action should be granted because Defendant QSC Admin LLC (“QSC” or “Defendant”) will suffer no plain legal prejudice. Defendant has not appeared, filed an answer, or motion for summary judgment in this case. Further, there have been no discovery, hearings, or court appearances in this case. Consequently, Plaintiff requests to voluntarily dismiss this lawsuit without prejudice to refiling.

Respectfully submitted,

/s/ Russell D. Cawyer

Russell D. Cawyer
State Bar No. 00793482
Khari M. Ferrell
State Bar No. 24116357
KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Telephone: 817-878-3562
Facsimile: 817-335-2820
russell.cawyer@kellyhart.com
khari.ferrell@kellyhart.com

**ATTORNEYS FOR PLAINTIFF
JAMES HANCOCK, MD**

CERTIFICATE OF SERVICE

On May 27, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record who have appeared, if any, electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Russell D. Cawyer

Russell D. Cawyer